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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,297	10/24/2000	James M. Zombek	003636.0092	1662
36405	7590	08/16/2004		EXAMINER
MANNAVA & KANG				BATES, KEVIN T
281 MURTHA ST				
ALEXANDRIA, VA 22304			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/694,297	ZOMBEK ET AL.
	Examiner Kevin Bates	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 July 2004.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-39 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-39 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This office action is in response to a communication received on July 12, 2004.

Claims 1-39 are pending in this application.

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Aether Technologies publication of "Enterprise Data Wireless Center".

Regarding claims 1, 13, and 24, Aether discloses a messaging system (Page 13, lines 21 – 22, "A Protocol Gateway..."), comprising: a client device having stored therein a client application adapted to be executed by said client device (Page 13, lines 21 – 22, "A Protocol Gateway..."); a server having stored therein a server application adapted to be executed by said server (Page 13, lines 22 – 23, "a Back End..."); a plurality of wireless networks (Page 10, Figure 2-1, shows that the system can include ISP, CDPD, and Mobitex protocols) adapted to communicate messages between said client device and said server (Page 13, lines 21 – 23, "A Protocol Gateway...") and to support one or more wireless network protocols (Page 10, Figure 2-1, shows that the system can include ISP, CDPD, and Mobitex protocols); a protocol gateway encapsulating a fundamental network protocol underlining each of said one or more

wireless network protocols; and means for communicating a message between said client application and said server application over a selected wireless network protocol through said protocol gateway independent of said selected wireless network protocol (Page 14, lines 11 – 15, “The Protocol Gateway...”).

Regarding claims 2, 14, and 25, Aether discloses that there is at least one message router for routing said message between said protocol gateway and said server (Page 17, lines 11 – 12, “The Message Router...”).

Regarding claim 3, 15, and 26, Aether discloses that the message router further comprises means for authenticating an origin of said message (Page 18, lines 2 – 5, “The Message Router...”).

Regarding claim 4, 16, and 27, Aether discloses that the authenticating means authenticates said origin before said message is routed by said message router (Page 18, lines 2 – 5, “The Message Router...”).

Regarding claim 5, 17, and 28, Aether discloses that there is a database accessible by said message router and adapted to store information relating to routing and authentication of said message (Page 18, lines 6 – 14, “When the Message...”).

Regarding claim 6, and 18, Aether discloses that there is an HTTP proxy server adapted to receive a plurality of HTTP requests from said client device, send each said request over an Internet to said server, and transmit a response corresponding thereto from said server to said client device (Page 27, lines 11 – 14, “The HTTP proxy...”).

Regarding claims 7, 19, and 29, Aether discloses that the HTTP proxy server is adapted to support one or more HTTP protocols (Page 28, lines 3 – 4, “The AIM.net HTTP...”).

Regarding claim 8, 20, and 39, Aether discloses that the HTTP proxy server comprises: means for creating a TCP/IP socket connection; and means for managing said TCP/IP socket connection (Page 28, lines 6 – 9, “To handle each...”).

Regarding claim 9, Aether discloses that there is an SNMP manager (Page 28, lines 12 – 18, “The AIM.net architecture...”).

Regarding claims 10, 21, and 31, Aether discloses that the system is further comprising: means for defining a maximum segment size; means for determining if said message exceeds said maximum segment size; and means for segmenting said message into a plurality of message segments, none of said plurality of message segments exceeds said maximum segment size (Page 14, lines 17 – 19, “All messages to...”).

Regarding claims 11 and 22, Aether discloses that there is a means for supporting a message retry in each of said wireless network protocols (Page 15, lines 14 – 20, “Any Message that...”).

Regarding claim 12 and 23, Aether discloses that there is a means for supporting a message ACK/NACK service in each of said wireless network protocols (Page 15, lines 22 – 34, “When a message...”).

Regarding claim 32, Aether discloses a method of deploying content from one of a plurality of servers (Page 24, lines 8 – 20, “A Back End...”) through a message router

(Page 24, Figure 3-4) and over a wireless network to a client application (Page 10, Figure 2-1) running on one or more of a plurality of client devices (Page 10, Figure 2-1), comprising creating an inbound message including a message key; sending said inbound message from said client device; accepting said inbound message at said message router; forwarding said inbound message to a selected one of said plurality of servers based on said message key (Page 18, lines 25 – 40, “The Message Router...”).

Regarding claim 33, Aether discloses generating a responsive message by said selected one of the plurality of servers; sending said responsive message from said selected one of said plurality of servers to said message router, providing a plurality of protocol gateways based on a communication type; selecting one of the plurality of protocol gateways by said message router; and forwarding said responsive message to said selected one of said plurality of protocol gateways; formatting said responsive message for a selected one of said plurality of client devices; and forwarding said formatted responsive message to said client application running on said selected one of said plurality of client devices (Page 21, lines 17 – 26, “Back End Server...”).

Regarding claim 34, Aether discloses forwarding from said server to said client application running on said selected one of said plurality of client devices an acknowledgement that said inbound message was received by said server (Page 25, lines 23 – 27, “When a client...”).

Regarding claim 35, Aether discloses forwarding from said server to said client application running on said selected one of said plurality of client devices a negative acknowledgement indicating that said inbound message was received by said server

and no server was available to process said inbound message (Page 25, lines 23 – 27, “When a client...”).

Regarding claim 36, Aether discloses a communications system including a server adapted to run a server application (Page 24, lines 8 – 20, “A Back End...”), a plurality of message routers (Page 17, lines 14 – 16, “In addition to...”) coupled to said server (Page 23, Figure 3-3), a plurality of protocol gateways coupled to each of said plurality of message routers (Page 21, lines 17 – 26, “Back End Server...”; Page 23, Figure 3-3), and a wireless network adapted to couple said server through one or more of said plurality of message routers and one or more of said plurality of protocol gateways to a plurality of client devices (Page 10, Figure 2-1), each of said plurality of client devices adapted to run a client application, a method for disseminating content to said client applications (Page 13, lines 21 – 22, “A Protocol Gateway...”), comprising receiving a request-for-content message at the server from a selected one of said plurality of client devices sending a responsive message from said server to one of said plurality of message routers; selecting one of said plurality of protocol gateways based on a communication type by said one of the plurality of message routers receiving said responsive message; forwarding said responsive message to said selected protocol gateway; formatting said responsive message for said selected one of the plurality of client devices; and forwarding said formatted responsive message to said client application running on said selected one of said plurality of client devices (Page 19, lines 13 – 19; Page 21, lines 17 – 26, “Back End Server...”).

Regarding claim 37, Aether discloses a method of authenticating a request for service from a client application running on a client device coupled through a message router to a server, comprising: sending a message to said message router by said client application running on said client device (Page 18, lines 2 – 5, “The Message Router...”); failing said message router's authentication; sending a negative acknowledgement with an error code to said client application running on said client device composing a response including a user ID, a password, and a requested service type by said client application; forwarding said composed response to said message router; authenticating said user ID and user rights by said message router; updating a table with said authentication, sending an authentication response and a security token to the client application running on said client device; resending said message with said security token to said message router from the client device; verifying an address of said client device; and forwarding said resent message to said server based on a message key (Page 18, lines 2 – 14, “The Message Router...”).

Regarding claim 38, Aether discloses a method of authenticating a request for service from a client application running on a client device coupled through a message router to a server (Page 18, lines 2 – 5, “The Message Router...”), comprising: sending a message to the message router from the client application; failing said message router's authentication; sending a negative acknowledgement to said client application running on said client device with an error code; composing a response comprising a user ID, a password, and a requested service type by said client application; forwarding said composed response to said message router; further failing said message router's

authentication; and sending a negative authentication response to said client application running on said client device indicating authentication failure (Page 18, lines 2 – 14, “The Message Router... ”).

Regarding claim 39, Aether discloses a communications system including a server which is adapted to run a server application (Page 24, lines 8 – 20, “A Back End... ”), a plurality of message routers (Page 17, lines 14 – 16, “In addition to... ”) each of which is coupled to said server (Page 23, Figure 3-3), a plurality of protocol gateways coupled to each one of said plurality of message routers (Page 21, lines 17 – 26, “Back End Server... ”; Page 23, Figure 3-3), and a wireless network adapted to couple said server through one or more of said plurality of message routers and one or more of said plurality of protocol gateways (Page 10, Figure 2-1), to a plurality of client devices adapted to run a client application (Page 13, lines 21 – 22, “A Protocol Gateway... ”), a method of disseminating an unsolicited alert to a selected client application, comprising: generating an unsolicited alert message by said server application; sending said unsolicited alert message to one or more of said plurality of message routers from said server; retrieving a station ID based on a customer ID uniquely associated with a selected client device at said one or more of said plurality of message routers; determining a communications type based on said station ID; selecting one or more of said plurality of protocol gateways based on said determined communication type; and forwarding said unsolicited alert message to said selected one or more of said plurality of protocol gateways; formatting said unsolicited alert message for said selected client device by said selected one or more of said plurality of protocol gateways,; and

forwarding said formatted unsolicited alert message to said client application running on said selected client device (Page 18, lines 2 – 14, "The Message Router..."; Page 19, lines 13 – 19; Page 21, lines 17 – 26, "Back End Server...").

***Response to Arguments***

Applicant's arguments filed July 12, 2004 have been fully considered but they are not persuasive. The applicant argues that the reference "Enterprise Data Wireless Center" is a confidential copy and not ever published. The examiner believes that since the reference was used as prior art to reject the parent case, application number 09/494553 and then that is evidence that reference was not indicated as confidential. In order to consider the reference an invalid prior art, the examiner needs an affidavit proving that the intent of the reference was confidential and not to be seen or published outside the corporation.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB  
August 6, 2004

*mflam*  
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ADVISORY PATENT EXAMINER